



8-19-06

JFW

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/736,183	12/15/2003	Lucas D. Barkley	2003-0504.02

CONFIRMATION NO. 4334

21972
 LEXMARK INTERNATIONAL, INC.
 INTELLECTUAL PROPERTY LAW DEPARTMENT
 740 WEST NEW CIRCLE ROAD
 BLDG. 082-1
 LEXINGTON, KY 40550-0999

FORMALITIES LETTER



OC000000012997640

COPY

Date Mailed: 06/21/2004

NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Figure(s) 1, 2 described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(e)). To avoid processing delays and payment of a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date being requested when submitting the omitted items(s) and the petition (and petition fee) requesting the later filing date.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO-MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete

sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabeled drawing figures, is required. A copy of the drawing figures showing the proposed changes in red ink should accompany with any drawing changes. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

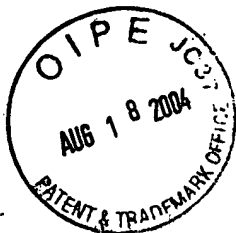
*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



PLEASE ACKNOWLEDGE & RETURN TO US:

DATE MAILED: 12/15/03 *VB*

<input checked="" type="checkbox"/> Specification	<input type="checkbox"/> Amendment-Spec/Claims/Dwgs.
<input checked="" type="checkbox"/> Declaration	<input checked="" type="checkbox"/> IDS & <u>19</u> References
<input checked="" type="checkbox"/> Assignment & Cover sheet	<input type="checkbox"/> Req. for Extension of Time
<input checked="" type="checkbox"/> Drawings-Formal/Informal	<input checked="" type="checkbox"/> Transmittal Letter
<input checked="" type="checkbox"/> Power of Attorney	<input checked="" type="checkbox"/> Fee Transmittal (in duplicate)

Docket No.: 2003-0504.02

OTHER: _____

00727 U.S. PTO

In Re Appln. of: Barkley et al.

10/736183

Title: Composite Printhead Fire Signals



121503

Total Pgs. of Spec: 19 No. of claims: 32 Pgs. of Dwgs: 11

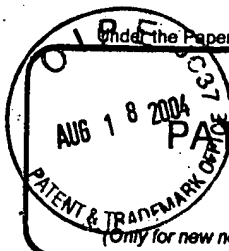
Serial No.: _____ Filing Date: _____

Attorney: Scott N. Barker, Reg. No. 42,292

Express Mail No.: _____

EK461567011US

BEST AVAILABLE COPY



UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	2003-0504.02
First Inventor	Lucas D. Barkley
Title	Composite Printhead Fire Signals
Express Mail Label No.	EK461567011US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO:

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 19]
(preferred arrangement set forth below)
 - Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 11]
5. Oath or Declaration [Total Sheets 2]
 - a. ☒ Newly executed (original or copy)
 - b. ☐ Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 18 completed)
 - i. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) name in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
 - a. ☐ Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. ☐ CD-ROM or CD-R (2 copies); or
 - ii. ☐ Paper
 - c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☒ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement ☒ Power of Attorney
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure Statement (IDS)/PTO-1499 ☒ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☐ Other:

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.:

Prior application Information:

Examiner:

Art Unit:

For CONTINUATION OF DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

☒ Customer Number: 21972 OR ☐ Correspondence address below

Name

Address

City

State

Zip Code

Country

Telephone

Fax

Name (Print/Type)

Scott N. Barker

Registration No. (Attorney/Agent)

42,292

Signature

[Signature]

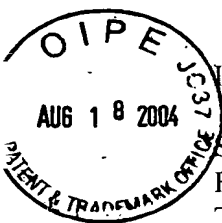
Date

12/15/03

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Application of)
 Lucas D. Barkley, et al.) Group: 2861
 Serial No.: 10/736,183)
 Filed: December 15, 2003)
 Title: COMPOSITE PRINthead FIRE SIGNALS)
) Examiner: Unknown

**REPLY TO NOTICE OF OMITTED ITEM(S) IN
 A NON-PROVISIONAL APPLICATION**

MS MISSING PARTS

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

This is in reply to the NOTICE OF OMITTED ITEM(S) IN A NON-PROVISIONAL APPLICATION, mailed June 21, 2004.

Enclosed are the following:

- (1) a copy of the NOTICE mailed June 21, 2004, indicating Figures 1 and 2 were omitted;
- (2) a PETITION (and fee under 37 CFR 1.17(h);
- (3) evidence showing all Figures 1-11, including Figures 1 and 2, were in fact filed in the U.S. Patent and Trademark Office, with the other application documents, on December 15, 2003, including:
 - (a) a copy of the return postcard, date stamped by the U.S. PTO with the date 12/15/03 and indicating the serial number 10/736183, and further indicating the inclusion of 11 pages of drawings, which

2003-0504.02/LHI0617.US

1

08/20/2004 YPOLITE1 00000016 10736183

01 FC:1460

130.00 OP

respectively correspond to Figures 1-11 in the present application;
and

(b) a copy of Applicants' UTILITY PATENT APPLICATION
TRANSMITTAL, indicating the inclusion of 11 sheets of drawings,
and signed by Scott N. Barker, Reg. No. 42,292 on 12/15/03; and

(4) a true copy of Figures 1 and 2.

REMARKS

This Reply is being contemporaneously filed with a PETITION FOR ENTRY OF FIGURES 1 AND 2, WHILE RETAINING THE ORIGINAL FILING DATE.

The NOTICE, mailed June 21, 2004, indicates that Figures 1 and 2 were omitted from the application as filed on December 15, 2003. Applicants respectfully submit that in the original application papers for the above-identified patent application, Figures 1-11, including Figures 1 and 2, were in fact deposited in the U.S. Patent and Trademark Office on December 15, 2003, with each of Figures 1-11 being present on a separate drawing page. As set forth above, enclosed is a copy of the return postcard, date stamped by the U.S. PTO with the date 12/15/03 indicating the serial number 10/736183 for the present application. The return postcard further indicates the inclusion of 11 pages of drawings, which respectively correspond to Figures 1-11 in the present application.

Also enclosed is a copy of Applicants' UTILITY PATENT APPLICATION TRANSMITTAL, indicating the inclusion of 11 sheets of drawings, and signed by Scott N. Barker, Reg. No. 42,292 on 12/15/03.

In order to expedite the resolution of this matter, enclosed is a copy of Figures 1 and 2. It is respectfully requested that, in view of the above, the enclosed Figures 1 and 2 be entered in the present application, and that the present application, including Figures 1 and 2, be afforded the original filing date of December 15, 2003.

In the event Applicants have overlooked the need for additional payment of fee, Applicants hereby authorize that any charges, or credit of any overpayment, be made to Deposit Account No. 20-0095, TAYLOR & AUST, P.C.

Should any question concerning any of the foregoing arise, the Examiner is invited to telephone the undersigned at (317) 894-0801.

Respectfully submitted,



Ronald K. Aust
Registration No. 36,735

Attorney for Applicants

RKA/ts

TAYLOR & AUST, P.C.
12029 E. Washington Street
Indianapolis, IN 46229
Telephone: 317-894-0801
Facsimile: 317-894-0803

Enc.: Return postcard


"EXPRESS MAIL" Mailing Number: EV 253887755 US

Date of Deposit: August 18, 2004

I hereby certify that this paper or fee is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 CFR 1.10 on the date indicated above and is addressed to : Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on: August 18, 2004.

Ronald K. Aust, Reg. No. 36,735

Name of Registered Representative



Signature